

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

JEFFREY STENFORS et al.,

Plaintiffs, Cross-defendants and
Respondents,

v.

CHRISTOPHER S. BANNING,

Defendant, Cross-complainant and
Appellant.

B207703

(Los Angeles County
Super. Ct. No. BC 351083)

ORDER MODIFYING OPINION
AND DENYING PETITION FOR
REHEARING

NO CHANGE IN JUDGMENT

THE COURT:*

On the court's own motion, the opinion filed on December 11, 2009, is modified as follows:

1. On page 16, in the first paragraph, third sentence, insert the word "independent between the words "no" and "evidence" so that the sentence reads:

However, there was no independent evidence that appellant's occupation of the disputed property was with the Wagners' knowledge or consent.

2. On page 18, following the last full paragraph, insert the following new paragraph:

Aside from this, the trial court made specific findings addressing and discounting the claims of appellant and his mother for any entitlement to continued use of the disputed property through an oral easement, license or equitable easement. The trial court amended its initial ruling to include, in its statement of decision, an express declaration that “as owners of legal title to the disputed property, [respondents] are the owners of all beneficial title to same.” By expressly finding respondents to have beneficial, as well as legal, title to the disputed property, the trial court rejected any claim by appellant and Mrs. Combs for an equitable easement or license to use such property.

There is no change in judgment.

Appellant’s petition for rehearing is denied.

*

RUBIN, ACTING P. J.

FLIER, J.